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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,624	03/22/2005	Gerard Eduard Rosmalen	NL 020861	4151

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EXAMINER


ROSENAU, DEREK JOHN

ART UNIT PAPER NUMBER

2834

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/528,624	Applicant(s) ROSMALLEN ET AL. 	
	Examiner Derek J. Rosenau	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 17-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1,2,8,10,11,13,14,17,18 and 20 is/are rejected.
 7) ☒ Claim(s) 3-7,9,12,19,21 and 22 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 8, 10, 11, 13, 14, 17, 18, and 20 rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (US 5225941).
3. With respect to claim 1, Saito et al. discloses a driving apparatus comprising at least two driving members (Fig 11, items 202 and 203) and at least one driven member (Fig 11, items 201 and 225), wherein each of the at least two driving members is frictionally engaged to the at least one driven member to move said driven member wherein the friction between each driven member and each driving member is such that the driven member moves when over half of the driving members being in frictional engagement with said driven member are moved simultaneously between a first and a second position, wherein the friction between each driven member substantially remains stationary when less than half of the driving members being in frictional engagement with said driven member are moved (column 16, lines 39-45). In the driving device of Saito et al., the driven member moves when both driving members are moved, and the driven member remains stationary when neither driving members are moved.
4. With respect to claim 2, Saito et al. discloses the driving apparatus according to claim 1, wherein the apparatus comprises at least two piezoelectric elements (Fig 11,

items 212 and 217) arranged to move the at least two driving members independently (column 16, lines 39-45).

5. With respect to claim 8, Saito et al. discloses the driving apparatus according to claim 1, wherein each of the driving members is at least partially surrounded by part of the at least one driven member (Fig 11, items 201 and 225).

6. With respect to claim 10, Saito et al. discloses the driving apparatus according to claim 1, wherein each driving member comprises an elongated member (Fig 11, items 202 and 203).

7. With respect to claim 11, Saito et al. discloses the driving apparatus according to claim 1, wherein the driving members are substantially parallel over a certain distance (Fig 11, items 202 and 203).

8. With respect to claim 13, Saito et al. discloses a method of driving a driven member of a driving apparatus, the method comprising the acts of: moving over half of the driving members of the driving apparatus that are frictionally engaged to the driven member from a first to a second position (Figs 3A and 3B) at substantially the same time; and returning the driving members from the second to the first position in groups comprising less than half of the driving members, wherein the driven member substantially remains stationary during said returning act (column 16, lines 39-45). In the driving device of Saito et al., the driven member moves when both driving members are moved, and the driven member remains stationary when neither driving members are moved. The voltage waveforms of Figs 3A and 3B show how the driven members are moved. The waveforms shown result in a movement to and from first and second

positions that either cause the driven member to move or remain substantially stationary based on the rate of change of the applied voltage.

9. With respect to claim 14, Saito et al. discloses the method according to claim 13, wherein said moving and returning acts are repeated until said driven member has been moved over a desired distance (column 6, lines 31-39).

10. With respect to claim 17, Saito et al. discloses an optical system comprising a slide and the driving apparatus according to claim 1, wherein the slide is fixed to the at least one driven member (Fig 11, items 201 and 225).

11. With respect to claim 18, Saito et al. discloses a driving apparatus comprising: at least two driving members (Fig 11, items 202 and 203); at least one driven member (items 201 and 225); means for moving the driven member by moving over half of the at least two driving members that are frictionally engaged to the driven member; wherein said means for moving is further configured to substantially maintain stationary the driven member while moving less than half of the driving members (column 16, lines 39-45). In the driving device of Saito et al., the driven member moves when both driving members are moved, and the driven member remains stationary when neither driving members are moved.

12. With respect to claim 20, Saito et al. discloses the driving apparatus of claim 18, wherein the at least two driving members are at least partially surrounded by part of the at least one driven member (Fig 11, items 201 and 225).

Allowable Subject Matter

13. Claims 3-7, 9, 12, 19, 21, and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

the prior art does not disclose or suggest "at least three driving members" in combination with the remaining claim elements as set forth in claims 3-5, 9, 12, and 22;

the prior art does not disclose or suggest "at least four driving members" in combination with the remaining claim elements as set forth in claim 6;

the prior art does not disclose or suggest "at least three driven members" in combination with the remaining claim elements as set forth in claim 7;

the prior art does not disclose or suggest "configured to bring at least two driving members into contact with eachother" in combination with the remaining claim elements in claim 19.

Response to Arguments

15. Applicant's arguments filed 3/30/06 have been fully considered but they are not persuasive. On page 12, applicant argues that shafts 202 and 203 do not touch eachother; while this is true, it is not a claim limitation in any rejected claim. Applicant also refers to the following claim language: "the driven member substantially remains stationary when less than half of the driving members being in frictional engagement

with said driven member are moved." This claim language is met by Saito et al., as the driven member remains stationary when neither driving member (less than half) is moved.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

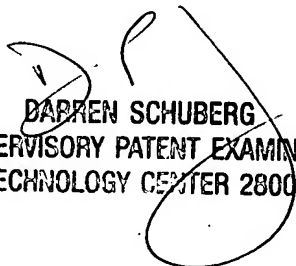
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek J. Rosenau whose telephone number is 571-272-8932. The examiner can normally be reached on Monday thru Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derek J Rosenau
Examiner
Art Unit 2834

DJR
4/12/06


DARREN SCHUBERG
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